



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set public hearing for August 3, 2005 to consider the appeal from Noorul Akbar regarding the requirements of a Notice and Order to Repair for the property located at 511 Alicante (APN: 031-200-16)

MEETING DATE: July 20, 2005

PREPARED BY: Community Development Director

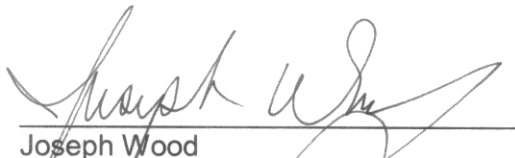
RECOMMENDED ACTION: Set a public hearing for August 3, 2005 to consider the appeal from Noorul Akbar regarding the requirements of a Notice and Order to Repair for the property located at 511 Alicante (APN: 031-200-16)

BACKGROUND INFORMATION: The Appellant owns the property located at 511 Alicante Drive in Lodi, where there currently exists a single-family dwelling with a detached garage. There is also an addition at the rear of the detached garage structure that is planned for use as an extended living area for the main dwelling.

A Notice and Order to repair was issued on June 6, 2005, listing a number of code violations and deficiencies that were found upon the property, as well as the related corrective actions necessary to eliminate or abate those violations. Mr. Akbar is seeking relief from two of those requirements, which will be detailed in the staff report for the public hearing.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not Applicable



Joseph Wood
Community Development Director

cc: Noorul Akbar

APPROVED: 

Blair King, City Manager



City of Lodi
Community Development Department
P.O. Box 3006
221 W. Pine Street
Lodi, California 95241-1910

Application for Appeal
Before the Board of Appeals
For the City of Lodi

General Information Required

Appellant's Name NOOR UL AKBAR Phone 368-6141
Mailing Address

707 EL CAPITAN DR Lodi CA 95242
Relation to Subject Property (Pertaining To Appeal)

☒ Owner ☐ Tenant ☐ Property Manager/Agent ☐ Other: _____

In the case of multiple appellants, each must fill out an Application for Appeal, but they can submit together under one fee.

Subject Address 511 1/2 ALICANTE DR Assessor's Parcel No. APN: 031-200-16
Subject Property Owner's Name NOOR UL AKBAR Phone _____

Subject Property Owner's Mailing Address 707 EL CAPITAN DR Lodi CA 95242

Appeal Information Required

Provide a statement of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant, and any relief sought and reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

See Attached Appeal Information.

RECEIVED

JUN 14 2005

COMMUNITY DEVELOPMENT DEPT.
CITY OF LODI

Attach Additional Pages If Necessary

Initial Review of Appeal: There will be an initial Administrative Review of this appeal to determine whether this Department can resolve the issues under appeal, without needing the \$250 fee to be paid. If the issues cannot be resolved through this Administrative Review, then the \$250 Appeal Fee will need to be processed and a Public Hearing scheduled.

Staying Order Under Appeal: Except for Notices to Vacate, enforcement of any notice and order of the Building Official shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

I certify, under penalty of perjury, that I acknowledge the filing of this appeal and that the matters stated in this appeal are true and accurate.
Date 6-14-05 Signature Noor ul Akbar Print Name NOOR UL AKBAR
Date/Time Received 6/14/05 12:30P By: Wendy M. Ward Fee Paid: 0

Appeal Information listed below:

I would like to give you some background on this unit. We purchased the house on May 22, 1979. The house was probably built in the 1930s or 1940s. We are talking about a house that is 60 to 70 years old. Permit # 3342 for a new garage was issued on October 25, 1948; therefore, the garage is more than 50 years old. The city of Lodi did its final inspection on March 15, 1949. No violation was noted or observed at that time.

Look at any document which talks about Lot 21 of Knoli Subdivision in the city of Lodi. According to the official map in volume 13 of maps, page 8 of the San Joaquin County records, there are two addresses listed: 511 and 511½. This is nothing new.

In response to your letter, please note that we made no structural changes to our unit. Our only goal is to insulate the walls. We applied for a permit, but our permit is delayed for almost two months. We appeal to the City Council to hear our grievances and the hardship being placed on us, which was preventable if someone did his or her job properly thirty years ago.

1. The foundation for the living unit, attached to the back of the garage, lacks a foundation footing.

When the city inspected the guest house 50 years ago, why did they fail to inspect the footing? Was Uniform Housing Code ("UHC") Section 1001.3.1 enacted recently? Did something happen recently which resulted in a reduced foundation? You are rolling or shifting costs from the prior owners to us through your negligence or disregard for rules. The exercise you mentioned is impracticable and costly. If we contributed in any way, we would be happy to discuss it with any competent authority.

2. The wood sill for the framing through the structure is a grade level and shows signs of deterioration due to water intrusion.

This point was never discussed, but we are willing to replace the deteriorated wood if it is possible at this stage.

3. Remove the meter.

Whenever we need electricity, we come to the City of Lodi. We are unaware of any other means of obtaining electricity. We purchased the house with these meters almost thirty years ago. We have paid our bills for thirty years. The city has never refused our payment. The meter was installed legally and approved by the city, which provided electricity for more than 30 years. Why was this not inspected then? Was UNC 1001.14 enacted recently? Can the city provide electricity to an illegal meter? Who contributed to this illegal act? Someone should be accountable for this. Do you have records? How did this happen? Does the city have complete records? We would not have paid the same price for the unit 30 years ago had there been no electricity available to the house. If we remove the meter, will you compensate us for the loss? Can you live in a house without electricity? You cannot undo history at this stage and at this time. Whose fault is this?

4. The exterior siding is weathered.

The exterior siding will be replaced in an approved manner.

5. No permit for breezeway.

The breezeway has been in existence for more than 50 years. When making visits for the garage and for the 511½ unit, city officials or inspectors should have pinpointed this issue long ago. The breezeway is for privacy purposes. Is your street file complete? No changes has been made to breezeway

6. Remove the PG&E meter.

Please see the response for #3 above.

7. The water heater compartment is badly weathered.

The water heater compartment can be rebuilt.

8. There is no occupancy separation between the garage and the existing unit.

The firewall requirement was not in existence in 1949 when the permit was approved. Is UHC Section 1001.9 new? Can this new law be retroactively applied to something built to Code in 1949?

9. Hazardous wiring.

The wiring will be corrected.

10. Romex wiring without permit.

Romex wiring was never discussed before, but we will look into this, too. We would also like to know when this wiring was installed.

11. No kitchen

We would like to discuss this issue as well.

In summary, I would like to appeal to the City of Lodi to look into the 11 items because complying with these codes would put us in an exceptionally difficult, if not impossible, situation. I am sure that the Planning Commission has the power to allow variances from the various Code provisions to prevent unnecessary hardships or injustice, while at the same time accomplishing the general purpose and intent of the codes.

We purchased the house with the intent to either live in it or rent it out for the production of income. We would never have bought the house under the scenario you presented. Would you pay the same price for a house or storage room located in the center of town, as you suggested in your letter? Is it logical and rational to convert a house into a storage room? Will you compensate us for this? Who would want a house without electricity and gas? How much effort did you make in this regard before we started work on our house?

We hope the City Counsel will listen to our grievances patiently and without bias. The implementation of these codes puts us under tremendous financial hardship and stress. We are seeking an equitable and reasonable solution on all points.

If you have any questions regarding this matter, please contact Noor ul Akbar at 209-747-1238.

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

July 13, 2005

Noorul Akbar
707 El Capitan Drive
Lodi, CA 95242

APPEAL OF NOTICE AND ORDER TO REPAIR (Issued 06-06-05)
For property located at 511 Alicante (APN 031-200-16)

This is to notify you that at the City Council meeting of July 20, 2005 at 7:00 p.m. or as soon thereafter as the matter can be heard, in the Council Chamber, at the Carnegie Forum, 305 West Pine Street, Lodi, the Council will consider setting the date for the public hearing pertaining to the above matter.

Enclosed is a copy the July 20, 2005 City Council agenda and staff report related to Consent Calendar Item E-14 as prepared by the Community Development Department. The Community Development Department is recommending that the hearing be scheduled for **August 3, 2005**. Please note that prior to voting on the Consent Calendar the Mayor will offer an opportunity to the public to make comments. Should you wish to do so, please submit a "Request to Speak" card (*available in the Carnegie Forum*) to the City Clerk prior to the opening of the meeting.

Should you have any questions, please contact me at 333-6702, or Community Development at 333-6711.



Susan J. Blackston
City Clerk

cc: Community Development Department

E-14

RECEIVED

JUL 19 2005

City Clerk
City of Lodi

June 13, 2005

Mr. Robert Holdsworth
Community Improvement Officer
City of Lodi, City Hall, 221 West Pine Street
Lodi, California 95241-1910

<input checked="" type="checkbox"/> CC	<input type="checkbox"/> HR
<input checked="" type="checkbox"/> CM	<input type="checkbox"/> IS
<input checked="" type="checkbox"/> CA	<input type="checkbox"/> LIB
<input checked="" type="checkbox"/> CD	<input type="checkbox"/> PR
<input type="checkbox"/> EUD	<input type="checkbox"/> PD
<input type="checkbox"/> FIN	<input type="checkbox"/> PW
<input type="checkbox"/> FD	<input type="checkbox"/> COM

Subject Address: 511 ½ Alicante Dr. APN: 031-200-16

Thank you very much for finally putting your response in writing after a lapse of almost one and a half months. Please note that you issued the stop order on April 29, 2005. We came to the City of Lodi offices the same day to resolve the issue, but you were not available. On May 3, 2005, you inspected the property and promised to call me the next day, but you failed to call. I left two messages in vain.

On May 13, 2005, I called and left two messages to inspect the foundation of our unit. You inspected the property and again promised to send us a letter on May 16, 2005, but you again failed. We called on May 17, 2005 for the letter, but you indicated that the letter was still in process.

When I called you and asked to speak with your manager, you said your manager was Jerry Herzek. When I spoke with Mr. Herzek, he denied being your manager. This was not the first misrepresentation. Since we were disappointed by your repeated failure to deliver the final letter, we had to contact someone else to solve our problem. I made a request to Jerry to expedite the process. He came to the property on Saturday, May 28, 2005.

I would like to give you some background on this unit. We purchased the house on May 22, 1979. The house was probably built in the 1930s or 1940s. We are talking about a house that is 60 to 70 years old. Permit # 3342 for a new garage was issued on October 25, 1948; therefore, the garage is more than 50 years old. The city of Lodi did its final inspection on March 15, 1949. No violation was noted or observed at that time.

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2. The wood sill for the framing through the structure is a grade level and shows signs of deterioration due to water intrusion.

This point was never discussed, but we are willing to replace the deteriorated wood if it is possible at this stage.

3. Remove the meter.

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inspectors should have pinpointed this issue long ago. The breezeway is for privacy purposes. Is your street file complete?

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Please see the response for #3 above.

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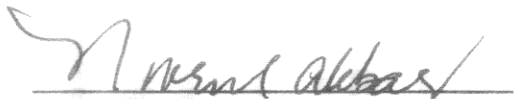
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If you have any questions regarding this matter, please contact Noor ul Akbar at 209-747-1238.

A handwritten signature in dark ink, appearing to read 'Noor Ul Akbar', is written over a horizontal line.

Noor Ul Akbar
707 El Capitan Dr.
Lodi, Ca 95242

CC: Joseph E. Wood, Manager
Larry D. Hansen
Bob Johnson
Joanne L. Mounce

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

July 21, 2005

MAILED CERTIFIED MAIL
AND REGULAR U.S. POSTAL DELIVERY

Noor Ul Akbar
707 El Capitan Drive
Lodi, CA 95242

NOTICE OF CITY COUNCIL PUBLIC HEARING – August 3, 2005

This letter is to notify you that a public hearing will be held by the City Council on **Wednesday, August 3, 2005 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal regarding the requirements of a Notice and Order to Repair for property located at 511 Alicante (APN 031-200-16).

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.

Should you have any questions, please contact my office or Community Development at (209) 333-6711.

Sincerely,



Susan J. Blackston
City Clerk

cc: Community Development Department